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September 18, 2008

Stephanie L. Stumbo  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, KY 40601

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SEP 23 2008

PUBLIC SERVICE  
COMMISSION

*RE: An Investigation Into The Traffic Dispute Between Windstream Kentucky  
East, LLC, Brandenburg Telephone Company And MCImetro Access  
Transmission Services, LLC d/b/a Verizon Access  
Case No. 2008-00203*

Dear Ms. Stumbo:

Enclosed are an original and ten copies of corrected page 4 to MCImetro Access  
Transmission Services LLC's Post-Hearing Brief.

Please indicate receipt of this filing by placing your file stamp on the extra copy and  
returning to me via the enclosed, self-addressed, stamped envelope.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent

DFB:

Enclosures

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COMMISSION

*Corrected Page*

local calling area and that Windstream is responsible for transiting that traffic to MCImetro through the parties' interconnection.

**I. AS THE ORIGINATING CARRIER FOR THE DISPUTED TRAFFIC, BRANDENBURG IS RESPONSIBLE FOR DELIVERING TRAFFIC TO MCIMETRO WITHOUT CHARGE.**

At the hearing, Brandenburg's witness Ms. Willoughby testified that Brandenburg has maintained local calling between Radcliff and Elizabethtown for more than fifty years.<sup>5</sup> This has been a reciprocal arrangement whereby Elizabethtown customers have been able to call Radcliff on a local basis. Thus, Brandenburg customers have always been able to reach ISPs via access numbers rated locally to Elizabethtown. This was of course true even before MCImetro interconnected with Windstream. That interconnection, which was necessary for MCImetro to better compete in Elizabethtown, allowed AOL to port its local numbers from Windstream's predecessor to MCImetro. Once the numbers were ported, Brandenburg continued to route traffic to these numbers in the same way it always had, using a trunk group it established with Windstream's predecessor for the mutual exchange of local traffic. Although the volume of traffic has been in steady decline, and in spite of the fact that the routing has been in place for five years, recently Windstream claimed this routing is improper, and that Brandenburg should "establish a business relationship with [MCImetro] for the termination of this ISP traffic" instead of routing the traffic to Windstream.<sup>6</sup> Windstream's claim requires the Commission to address Brandenburg's obligations as an originating carrier.

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<sup>5</sup> Transcript of Evidence, p. 166.

<sup>6</sup> To its credit, Windstream appears to have made proposals more than a year ago to discuss with Brandenburg Telephone Company how to *re-utilize existing facilities* to more efficiently handle the disputed traffic by establishing direct trunking between Windstream's Elizabethtown tandem and Brandenburg Telephone Company's tandem in Radcliff. See Windstream's Responses to MCImetro Data Requests No. 8 and 9; see also Exhibit 3 to Brandenburg Telephone Company's Complaint in Case No. 2008-00239 (Windstream's February 21, 2007 proposal to George Lewis of Brandenburg Telephone Company). These proposals, combined with the fact that all of the MCImetro bound traffic is currently flowing without blocking, see Transcript of Evidence at pp. 188-189, puts to rest Brandenburg Telephone Company's exaggerated claims that MCImetro is trying to force Brandenburg Telephone Company to "pay for another 30 miles of fiber to get our traffic to Elizabethtown..." See Transcript of Evidence, p. 178.